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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,632	06/30/2005	Andrew J.S. Dawood	21547-00298-US1	3407
30678 7590 04/29/2008 CONNOLLY BOVE LODGE & HUTZ LLP 1875 EYE STREET, N.W. SUITE 1100 WASHINGTON, DC 20036				
EXAMINER BUMGARNER, MELBA N				
ART UNIT		PAPER NUMBER		
3732				
MAIL DATE		DELIVERY MODE		
04/29/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/506,632

**Applicant(s)**

DAWOOD, ANDREW J.S.

**Examiner**

Melba Bumgarner

**Art Unit**

3732

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-9 and 12-16 is/are pending in the application.
- 4a) Of the above claim(s) 2, 12 and 15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 4, 6-9, 13, 14 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/808)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made in this National Stage application of applicant's claim for foreign priority based on applications filed in the United Kingdom on 03/06/02 and 01/21/03. It is noted, however, that copies of the certified copies of the priority documents have not been received from the International Bureau (PCT Rule 17.2(a)).

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Recitation of "said third threaded part" lacks sufficient antecedent basis.

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3, 6, 7, and 16 are rejected under 35 U.S.C. 102(e) as anticipated by Kirsch et al. (DE19848599). Kirsch et al. disclose a fixture comprising a first externally threaded part for insertion into a prepared site in the jaw bone, a second externally threaded part 18 to which

pressure may be applied by means of an internally threaded element 14, a smooth, non-threaded, alignment section at an apex of the fixture, the fixture is connected to an appliance 12 configured to facilitate distracting the jaw bone and configured to be supported by a tooth and adjacent static fixture, and the second threaded part protrudes through the appliance (figure 1). The second externally threaded part is configured to protrude into an oral cavity and may be acted upon by the internally threaded element. The fixture is provided with a polished section which forms a collar having non-round cross-section 10. Kirsch et al. show the fixture is designed for connection to dental implant 50. Patentable weight is not given to the inferentially claimed element used with the fixture; however, the fixture is capable of being used in distraction with the third threaded part.

*Claim Rejections - 35 USC § 103*

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4, 8, and 9 are rejected under 35 U.S.C. 103(a) as obvious over Kirsch et al. Kirsch et al. disclose a fixture that shows the limitations as described above, the second threaded part configured to protrude into an oral cavity and the second threaded part may be acted upon by a female component; however, they do not explicitly the flattened aspect of the second threaded part. It would have been obvious to one of ordinary skill in the art to have the end of the second threaded part having a flattened aspect as it would be easily machined. Kirsch et al. disclose a dental fixture that shows the limitations as described above and a body having deeply

biting threads on the first part and machine thread on the second part; however, Kirsch et al. do not show the thread on the second externally threaded part to be metric machine thread and tapered body. It would have been an obvious matter of choice to one of ordinary skill in the art as to whether the threading of the second threaded part is dimensioned in metric system and it is known in the art to have threaded anchoring part inserted into the bone to be tapered. Kirsch et al. show a rectangular groove within its body through which an orthodontic wire may be passed. It would have been an obvious matter of choice to one of ordinary skill in the art as to the feature being an aperture within the body.

8. Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kirsch et al. and further in view of Hall (2003/0158554). Kirsch et al. disclose a fixture that shows the limitations as described above; however, they do not show the fixture having surface treatment. Hall teaches a fixture having surface treatment of a roughening process and portions of rougher surface and relatively smooth. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the fixture of Kirsch et al. to have the surface treatment of Hall in order to apply different textured surfaces to different types of bone encountered in dental situations in view of Hall.

***Response to Arguments***

9. Applicant's arguments with respect to the rejected claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melba Bumgarner whose telephone number is 571-272-4709. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cris Rodriguez can be reached at 571-272-4964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Melba Bumgarner/  
Primary Examiner, Art Unit 3732